

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Human Rights Act is amended by
5 changing Section 10-104 as follows:

6 (775 ILCS 5/10-104)

7 Sec. 10-104. Circuit Court Actions by the Illinois Attorney
8 General.

9 (A) Standing, venue, limitations on actions, preliminary
10 investigations, notice, and Assurance of Voluntary Compliance.

11 (1) Whenever the Illinois Attorney General has
12 reasonable cause to believe that any person or group of
13 persons is engaged in a pattern and practice of
14 discrimination prohibited by this Act, the Illinois
15 Attorney General may commence a civil action in the name of
16 the People of the State, as *parens patriae* on behalf of
17 persons within the State to enforce the provisions of this
18 Act in any appropriate circuit court. Venue for this civil
19 action shall be determined under Section 8-111(B)(6). Such
20 actions shall be commenced no later than 2 years after the
21 occurrence or the termination of an alleged civil rights
22 violation or the breach of a conciliation agreement or
23 Assurance of Voluntary Compliance entered into under this

1 Act, whichever occurs last, to obtain relief with respect
2 to the alleged civil rights violation or breach.

3 (2) Prior to initiating a civil action, the Attorney
4 General shall conduct a preliminary investigation to
5 determine whether there is reasonable cause to believe that
6 any person or group of persons is engaged in a pattern and
7 practice of discrimination declared unlawful by this Act
8 and whether the dispute can be resolved without litigation.
9 In conducting this investigation, the Attorney General
10 may:

11 (a) require the individual or entity to file a
12 statement or report in writing under oath or otherwise,
13 as to all information the Attorney General may consider
14 necessary;

15 (b) examine under oath any person alleged to have
16 participated in or with knowledge of the alleged
17 pattern and practice violation; or

18 (c) issue subpoenas or conduct hearings in aid of
19 any investigation.

20 (3) Service by the Attorney General of any notice
21 requiring a person to file a statement or report, or of a
22 subpoena upon any person, shall be made:

23 (a) personally by delivery of a duly executed copy
24 thereof to the person to be served or, if a person is
25 not a natural person, in the manner provided in the
26 Code of Civil Procedure when a complaint is filed; or

1 (b) by mailing by certified mail a duly executed
2 copy thereof to the person to be served at his or her
3 last known abode or principal place of business within
4 this State.

5 (4) In lieu of a civil action, the individual or entity
6 alleged to have engaged in a pattern or practice of
7 discrimination deemed violative of this Act may enter into
8 an Assurance of Voluntary Compliance with respect to the
9 alleged pattern or practice violation.

10 (5) The Illinois Attorney General may commence a civil
11 action under this subsection (A) whether or not a charge
12 has been filed under Sections 7A-102 or 7B-102 and without
13 regard to the status of any charge, however, if the
14 Department or local agency has obtained a conciliation or
15 settlement agreement or if the parties have entered into an
16 Assurance of Voluntary Compliance no action may be filed
17 under this subsection (A) with respect to the alleged civil
18 rights violation practice that forms the basis for the
19 complaint except for the purpose of enforcing the terms of
20 the conciliation or settlement agreement or the terms of
21 the Assurance of Voluntary Compliance.

22 (6) If any person fails or refuses to file any
23 statement or report, or obey any subpoena, issued pursuant
24 to subdivision (A) (2) of this Section, the Attorney General
25 will be deemed to have met the requirement of conducting a
26 preliminary investigation and may proceed to initiate a

1 civil action pursuant to subdivision (A)(1) of this
2 Section.

3 (B) Relief which may be granted.

4 (1) In any civil action brought pursuant to subsection
5 (A) of this Section, the Attorney General may obtain as a
6 remedy, equitable relief (including any permanent or
7 preliminary injunction, temporary restraining order, or
8 other order, including an order enjoining the defendant
9 from engaging in such civil rights violation or ordering
10 any action as may be appropriate). In addition, the
11 Attorney General may request and the Court may impose a
12 civil penalty to vindicate the public interest:

13 (a) for violations of Article 3 and Article 4 in an
14 amount not exceeding \$25,000 per violation, and in the
15 case of violations of all other Articles in an amount
16 not exceeding \$10,000 if the defendant has not been
17 adjudged to have committed any prior civil rights
18 violations under the provision of the Act that is the
19 basis of the complaint;

20 (b) for violations of Article 3 and Article 4 in an
21 amount not exceeding \$50,000 per violation, and in the
22 case of violations of all other Articles in an amount
23 not exceeding \$25,000 if the defendant has been
24 adjudged to have committed one other civil rights
25 violation under the provision of the Act within 5 years
26 of the occurrence of the civil rights violation that is

1 the basis of the complaint; and

2 (c) for violations of Article 3 and Article 4 in an
3 amount not exceeding \$75,000 per violation, and in the
4 case of violations of all other Articles in an amount
5 not exceeding \$50,000 if the defendant has been
6 adjudged to have committed 2 or more civil rights
7 violations under the provision of the Act within 5
8 years of the occurrence of the civil rights violation
9 that is the basis of the complaint.

10 (2) A civil penalty imposed under subdivision (B) (1) of
11 this Section shall be deposited into the Attorney General
12 Court Ordered and Voluntary Compliance Payment Projects
13 Fund, which is a special fund in the State Treasury. Moneys
14 in the Fund shall be used, subject to appropriation, for
15 the performance of any function pertaining to the exercise
16 of the duties of the Attorney General including but not
17 limited to enforcement of any law of this State and
18 conducting public education programs; however, any moneys
19 in the Fund that are required by the court or by an
20 agreement to be used for a particular purpose shall be used
21 for that purpose.

22 (3) Aggrieved parties seeking actual damages must
23 follow the procedure set out in Sections 7A-102 or 7B-102
24 for filing a charge.

25 (Source: P.A. 93-1017, eff. 8-24-04.)

1 Section 10. The Illinois Fairness in Lending Act is amended
2 by changing Section 3 as follows:

3 (815 ILCS 120/3) (from Ch. 17, par. 853)

4 Sec. 3. No financial institution, in connection with or in
5 contemplation of any loan to any person, may:

6 (a) Deny or vary the terms of a loan on the basis that a
7 specific parcel of real estate offered as security is located
8 in a specific geographical area.

9 (b) Deny or vary the terms of a loan without having
10 considered all of the regular and dependable income of each
11 person who would be liable for repayment of the loan.

12 (c) Deny or vary the terms of a loan on the sole basis of
13 the childbearing capacity of an applicant or an applicant's
14 spouse.

15 (c-5) Deny or vary the terms of a loan on the basis of the
16 borrower's race, gender, disability, or national origin.

17 (d) Utilize lending standards that have no economic basis
18 and which are discriminatory in effect.

19 (e) Engage in equity stripping or loan flipping.

20 (Source: P.A. 93-561, eff. 1-1-04.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.